

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JIMMY KINSLOW,

Plaintiff,

v.

CV 05-1324 JH/WPL

JOE WILLIAMS, ET AL.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION**

This matter is before me on the magistrate judge's Proposed Findings and Recommended Disposition (PFRD) and Plaintiff Jimmy Kinslow's objections thereto. (Doc. 185, 186.) Kinslow asserts that the magistrate judge improperly decided disputed material fact issues. He also objects to the magistrate judge's failure to mention his Rule 56(f) affidavit. In the affidavit, Kinslow claimed that he could not adequately respond to the second *Martinez* report because Defendants had refused to produce all of the records concerning his administrative segregation and all of his medical records. (Doc. 177.)

Having conducted a *de novo* review, I find Kinslow's objections to be without merit. Although the magistrate judge noted that Defendants' *Martinez* report was deficient, he compensated for the deficiencies by assuming certain facts in Kinslow's favor or accepting Kinslow's version of events. (*See, e.g.*, Doc. 185 at 10-12, 18.) Moreover, the magistrate judge did not resolve disputed material fact issues.


IT IS THEREFORE ORDERED that:

1) the Magistrate Judge's Proposed Findings and Recommended Disposition are adopted as an order of the Court;

2) Kinslow's Motion for Preliminary Injunction and/or Temporary Restraining Order (Doc. 181) is denied;

3) Kinslow's Motions for Evidentiary Hearing and for Court Appointment of Mediator (Doc. 180, 183) are denied; and

4) summary judgment is granted in favor of Defendants on Kinslow's remaining claims.

  
JUDITH C. HERRERA  
UNITED STATES DISTRICT JUDGE